

CHAPTER 151
TOBACCO USE PREVENTION AND CONTROL
COMMUNITY PARTNERSHIP INITIATIVE

641—151.1(142A) Scope. These rules apply to community partnerships established under Iowa Code chapter 142A as part of a comprehensive tobacco use prevention and control initiative to reduce tobacco use by youth and pregnant women, to promote compliance by minors and retailers with tobacco sales laws and ordinances, to enhance the capacity of youth to make healthy choices and to foster a social and legal climate in which tobacco use becomes undesirable and unacceptable.

641—151.2(142A) Community partnership areas. It is the goal of the commission on tobacco use prevention and control that the entire state be divided into multiple community partnership areas, so that all portions of the state are included in a community partnership area and no portion of the state is without the services of a community partnership. Toward this goal, the commission will encourage formation of community partnership areas that incorporate surrounding communities in a manner that does not isolate any geographic region of the state, and encourages optimal use of resources. In addition to the requirements of Iowa Code section 142A.8(1), a community partnership area:

151.2(1) Shall be composed of one or more counties, school districts, economic development enterprise zones, or community empowerment areas.

151.2(2) Shall follow existing boundaries of one or more counties, school districts, economic development enterprise zones, or community empowerment areas.

151.2(3) Shall serve a population of at least 4,000, including a minimum school-age population of 500.

151.2(4) Shall serve a minimum geographic area of one county.

641—151.3(142A) Community partnerships. A community partnership is a public agency or non-profit organization which utilizes broad community involvement and represents a broad coalition of community groups, organizations, and interests. Community partnerships shall promote a wide range of activities that discourage tobacco use and support smoke-free environments. Some of these activities include developing coalitions with local organizations, conducting educational programs and encouraging policies that support tobacco use prevention and cessation.

641—151.4(142A) Application requirements for community partnerships. In order to qualify for funding through the tobacco use prevention and control program, a public agency or nonprofit organization seeking to be designated as a community partnership must apply to, and be approved by, the department of public health. Only one application per community partnership will be accepted. An application must provide the following information:

151.4(1) A description of the community partnership area to be served by the community partnership, including:

a. The geographic boundaries of the area;

b. Population, including both general population and school-age population, of the area;

151.4(2) A description of the applicant, including a description of the governing structure of the agency or organization, a table of organization, and the applicant's mission statement;

151.4(3) A description of the tobacco use prevention and control services currently provided by the applicant;

151.4(4) A description of the number of years the applicant has provided tobacco use prevention and control services and the number of clients served annually by the applicant;

151.4(5) A description of the funds currently received by the applicant which are targeted to provide tobacco use prevention and control services, including the source of funds, the dollar amount, and the period of funding;

151.4(6) A list of the other agencies, organizations, and entities currently providing tobacco use prevention and control services in the proposed community partnership area and a description of the tobacco use prevention and control services currently provided by the other agencies, organizations, or entities;

151.4(7) A description of the collaborative efforts the applicant has undertaken with the agencies, organizations, and entities described in subrule 151.4(6) and an action plan describing anticipated collaborative efforts during the funding period;

151.4(8) Letters of support from the agencies, organizations, and entities described in subrule 151.4(6);

151.4(9) If the local board of health is not the applicant, a letter of support from the local board of health shall be submitted with the application. The letter of support must include a description of the local board of health's involvement with development of the application and an action plan describing anticipated collaborative efforts between the applicant and the local board of health;

151.4(10) A letter of support from county and city law enforcement agencies shall be submitted with the application. The letter of support must include a description of the local law enforcement agencies' involvement with development of the application and an action plan describing anticipated collaborative efforts between the applicant and local law enforcement agencies;

151.4(11) An assessment of the needs of the community partnership area which incorporates, but is not limited to, the following information for each county in the community partnership area:

- a. Tobacco-related information from the community health needs assessment and health improvement plan (CHNA and HIP);
- b. Tobacco-related information from the most recent Iowa youth survey;
- c. Relevant data regarding tobacco use;
- d. Relevant Synar data;
- e. Information or data received from other service providers, organizations, or law enforcement agencies;
- f. Tobacco-related information from Healthy Iowans 2010;

151.4(12) A description of how the applicant intends to implement the initiative's goals described in Iowa Code section 142A.6(2) in light of the community needs identified in subrule 151.4(11), including a proposed budget and a description of how performance measures shall be developed and utilized;

151.4(13) Identification of the source and amount of local matching funds, services, or support;

151.4(14) A description of how youth (aged 5 to 24 years) will be involved in the community partnership.

641—151.5(142A) Performance indicators. Periodic reports shall be submitted to the department by the community partnerships. These required reports shall be based on the degree to which the partnerships have achieved goals set out in the application and shall include information such as how many events/meetings were held and how many participants were in attendance.

641—151.6(142A) Application deadline. Applicants seeking to be approved as a community partnership for distribution of funds during the 2001 fiscal year may apply immediately and must apply no later than November 10, 2000.

151.6(1) Application must be on forms supplied by the department of public health. To obtain an application form, contact the director of the Tobacco Use Prevention and Control Division, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319; telephone (515)281-6225; E-mail mcrawfor@idph.state.ia.us.

151.6(2) Any change in the geographic boundaries of a community partnership area after a community partnership has been approved must be submitted to the tobacco use prevention and control division as a request to amend the application. The request shall describe the boundary change, explain the reason for the boundary change and describe any impact the boundary change will have on the information provided in response to rule 151.4(142A).

641—151.7(142A) Distribution of funding.

151.7(1) Applications submitted in accordance with these rules will be evaluated by the administrator of the division of tobacco use prevention and control, or the administrator's designee, to determine whether the application meets the requirements for funding as designated in these rules. The administrator or designee may request additional information from any applicant regarding the content of the application and may condition funding based on an applicant's submission of additional information or based on an applicant's willingness to change any term of the application, including geographic boundaries of the community partnership area.

151.7(2) The commission shall fund one community partnership per community partnership area. Funds shall be distributed equitably among the state's community partnership areas based on general population, school-age population, and designation of county or counties which comprise the community partnership area as a rural county or a metropolitan statistical area as defined by the U.S. Bureau of the Census. Available funds will be distributed under the following formulas:

Rural counties:

\$.84 per school-age youth plus an additional \$.84 per non-school-age county resident

Metropolitan statistical areas (Black Hawk, Dallas, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Warren, and Woodbury Counties):

\$.52 per school-age youth plus an additional \$.52 per non-school-age county resident

151.7(3) Funding received by a community partnership shall be matched on a one-to-one basis. At least 25 percent must be a cash match. Up to 75 percent of the match may include in-kind services, office support, or other tangible support or offset of costs.

Any offers to assist the applicant in reaching the match must be disclosed to the department in writing. In regard to any cash offers that are declined, the applicant must disclose reasons and rationale as to why these offers were declined.

Any funds left unallocated under subrules 151.7(2) and 151.7(3) on March 1, 2001, due to the failure of community partnerships to meet the cash match requirement pursuant to subrule 151.7(3) shall be distributed among all the community partnerships no later than June 30, 2001, in proportion to the amount of funding, including any cash match, each community partnership has reported to the department by March 15, 2001.

Funding distributed to community partnerships from the department shall be matched by the community partnership on a 75 percent basis. The match may include cash, or may include only in-kind services, office support, or other tangible support or offset of costs.

Any offers to assist the applicant in reaching the match must be disclosed to the department in writing. If any cash offers are declined, the applicant must disclose the reasons and the rationale for rejecting the offer.

151.7(4) Prior to receiving funding, a community partnership shall be required to execute a contract with the department.

151.7(5) Funding may be denied on grounds including, but not limited to:

- a.* Applications from more than one entity have been received covering the same, or portions of the same, geographic area and another application more closely satisfies application criteria.
- b.* The application is incomplete, untimely, or includes misleading or inaccurate information.
- c.* Program funds are no longer available.
- d.* Local matching funds, services, or support is not available.
- e.* The applicant refuses to execute a contract with the department.
- f.* The applicant fails to comply with the statute or administrative rules governing this program.

641—151.8(142A) Gifts. The commission shall solicit and accept gifts of money or services or property from governmental or private sources for use in support of the comprehensive tobacco use prevention and control initiative.

151.8(1) The commission shall not accept gifts of money or services or property from a manufacturer of tobacco products.

a. A gift means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received. A gift does not include funds deposited by any manufacturer of tobacco products into the tobacco settlement fund.

b. A manufacturer of tobacco products means every person who ships cigarettes or other tobacco products as defined in Iowa Code section 453A.1 into this state from outside the state.

151.8(2) The commission shall not accept a gift of money or services or property from a corporation or other private legal entity which is controlled by a manufacturer of tobacco products. A manufacturer of tobacco products controls a corporation or other private legal entity when the manufacturer possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of a corporation or other private legal entity, whether through the ownership of voting rights, by contract, or otherwise.

151.8(3) The commission may not accept a gift of money or services or property from a corporation or other private legal entity in which a manufacturer of tobacco products has a noncontrolling interest. A manufacturer of tobacco products has a noncontrolling interest in a corporation or other private legal entity when the manufacturer has a commercial contract for goods or nonmanagement services, or holds the power to vote, or holds proxies representing less than 10 percent of the voting rights of any other person.

151.8(4) The commission, in its discretion, may require any corporation or other private legal entity from which it solicits, or which offers to it, a gift of money or services or property for use in support of the comprehensive tobacco use prevention and control initiative to submit a statement describing the relationship, if any, between the corporation or other private legal entity and a manufacturer of tobacco products.

151.8(5) If the commission accepts a gift from a corporation or other private legal entity under the circumstances described in subrule 151.8(3), the commission may require the gift to be contingent on a waiver by the manufacturer of tobacco products of any right to advertise with regard to, claim responsibility for, or otherwise publicize the gift.

These rules are intended to implement Iowa Code chapter 142A.

[Filed emergency 10/13/00—published 11/1/00, effective 10/13/00]

[Filed emergency 5/25/01—published 6/13/01, effective 5/25/01]